

1 *Lester v. Chater*, 81 F.3d 821, 834 (9th Cir. 1995).

2 Here, the ALJ presented at least three reasons in support of his credibility
3 determination.

4 First, the ALJ observed that Plaintiff reported three different years – 1990,
5 2000, and 2006 – as the last time she used drugs. (AR at 17, 379); *see Thomas v.*
6 *Barnhart*, 278 F.3d 947, 958-59 (9th Cir. 2002) (inconsistent statements may
7 properly discredit a claimant). Plaintiff mistakenly contends that these dates are
8 irrelevant because they all occurred well before the April 2008 onset date. (Joint
9 Stip. at 7.) Though *disability* is assessed from the alleged onset date, *credibility* is
10 subject to no such limitations. The inquiry is broad, simply concerning “the degree
11 to which the [claimant’s] statements can be believed and accepted as true.” Social
12 Security Ruling (“SSR”) 96-7P, 1996 WL 374186, at *4. Thus, as to this point, the
13 ALJ made no error in his credibility determination.^{2/}

14 Second, the ALJ noted the opinion of the consultative examiner, Dr. Kent
15 Jordan, who found that Plaintiff appeared to “‘highly embellish’ her psychiatric
16 symptomatology.” (AR at 16, 377); *see Thomas*, 278 F.3d at 958-59 (credibility
17 may be assessed via physician reports that address “the nature, severity, and effect
18 of” a claimant’s alleged symptoms). According to Dr. Jordan, Plaintiff presented “a
19 big discrepancy between [her alleged] psychiatric symptoms . . . and [the] reasons
20 that [she] cannot work.” (AR at 377.) These findings are significant, and weigh
21 heavily against Plaintiff’s veracity.

22 Third, the ALJ cited Plaintiff’s sporadic work history before her alleged onset
23 date as raising “a question as to whether [her] continuing unemployment is actually
24 due to medical impairments.” (AR at 18); *see Strauss v. Apfel*, 246 F.3d 676 (9th

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26 ^{2/} Plaintiff also hints, without any further explanation, that the ALJ relied upon
27 an “isolated line of testimony” in observing her inconsistent statements. (Joint Stip.
28 at 7.) This contention is without basis, as Plaintiff made these inconsistent
statements on three different occasions. (*See* AR at 379.)

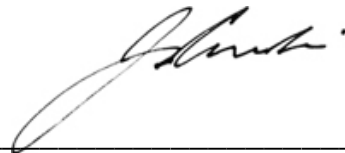
1 Cir. 2000) (“spotty work history” is a valid reason for discrediting a claimant).
 2 Remarkably, the Certified Earnings Report noted numerous “possible gaps” in
 3 Plaintiff’s earnings, including from 1993 to 1996, and from 2001 to 2003. (See AR
 4 at 127.) No reason exists to upset the ALJ’s determination here.

5 Thus, for the reasons stated above, the ALJ’s credibility determination is
 6 valid.^{3/}

7 Accordingly, the Court finds that substantial evidence supported the ALJ’s
 8 decision that Plaintiff was not disabled. See *Mayes v. Massanari*, 276 F.3d 453,
 9 458-59 (9th Cir. 2001).

10 Based on the foregoing, IT IS ORDERED THAT judgment shall be entered
 11 **AFFIRMING** the decision of the Commissioner denying benefits.

12
 13 Dated: April 29, 2013



14
 15 Hon. Jay C. Gandhi
 16 United States Magistrate Judge
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18 ^{3/} The Court does, however, recognize that the ALJ erroneously found that
 19 Plaintiff’s daily activities were “not limited to the extent one would expect, given
 20 [her] complaints of disabling symptoms and limitations.” (AR at 17.) These
 21 activities included traveling by bus “every other day” and “walk[ing] for exercise.”
 22 (*Id.*)

23 True, a claimant’s credibility may be rejected when their daily activities are
 24 “inconsistent with [their] alleged symptoms.” *Molina v. Astrue*, 674 F.3d 1104,
 25 1112 (9th Cir. 2012). But the activities cited by the ALJ here are not so physically
 26 or mentally demanding that any inconsistencies are apparent. Indeed, under the
 27 “clear and convincing” standard, there must be some explanation as to how these
 28 activities undermine the specific limitations alleged by Plaintiff. See *Lester*, 81 F.3d
 at 834. Absent such a showing, this reason does not pass muster.

In any event, this error is harmless given the ALJ’s other valid reasons
 discussed above. See *Carmickle v. Comm’r, Soc. Sec. Admin.*, 533 F.3d 1155, 1162
 (9th Cir. 2008).